

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1-48 were pending prior to the final Office Action. Claims 23 and 24 have been cancelled through this Reply. Thus, claims 1-22 and 25-48 are currently pending of which claims 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, and 46 stand withdrawn as being directed non-elected species. Claims 1, 2, 26, 27, 29, and 30 have been amended through this Reply. Applicants appreciate that the previous arguments filed on July 2, 2008 were found persuasive. However, claims 1-15, 17, 18, 20, 21, 26, 27, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, and 48 now stand finally rejected under a new ground(s) of rejection. Applicants respectfully request reconsideration of the rejected claims in light of the amendment and remarks presented herein, and earnestly seek timely allowance of all pending claims.

CLAIM OBJECTION

Claim 2 stand objected for minor informalities. This claim has been amended through this Reply to address this issue. Accordingly, it is respectfully requested to withdraw this objection.

35 U.S.C. § 112, 2ND PARAGRAPH REJECTION

Claims 1-15, 17, 18, 20, 21, 26, 27, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47 and 48 are now finally rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicant disagrees with the Examiner's assertions that claims 1 and 2 are not clear if the applicant intends to claim the substrate carrying tray "in combination with the first and second substrate carrying trays" or "in combination with a substrate."

Applicant respectfully submits that the Examiner's focus during examination for compliance with the requirement of definiteness in § 112, 2nd paragraph is whether the claim meets the threshold requirements of clarity and precision. To do this, the Examiner needs only

ensure that the claims define the invention with a reasonable degree of particularity and distinctness. See MPEP § 2173.02.

Applicant submits that the claims clearly define the invention with a reasonable degree of particularity and distinctness. The substrate carrying tray is not being claimed in combination with a “first and second substrate carrying trays” or a “substrate”. The first and second substrate carrying trays and the substrate have been recited in claims 1 and 2 to clearly define the structure of the “upper contact portion” and the “lower contact portion” of the claimed substrate carrying tray.

Further, in response to Examiner’s concern whether the upper substrate carrying tray is the same substrate carrying tray as the first substrate carrying tray, it is respectfully submitted that the Examiner’s interpretation may be correct.

Therefore, for at least the above reasons, Applicant respectfully requests that the Section 112, second paragraph rejection of claims 1-15, 17, 18, 20, 21, 23, 24, 26, 27, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47 and 48 be withdrawn.

35 U.S.C. § 102 REJECTION – Pakeriasamy, Irwin

A. Claims 1-4, 6, 8, 11, 13, 15, 20, 21, 23, 24, 26, 27, 29, 30, 35, 36, 38, 39, 44 and 45 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Pakeriasamy (U.S. Patent No. 5,975,293)[hereinafter “Pakeriasamy”]. Applicant respectfully traverses this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, neither Pakeriasamy nor Irwin teach or suggest each and every claimed element. For example, amended independent claims 1 and 2 recite, *inter alia*, “wherein the

frame includes a frame body, **a lower side fixing section, a upper side fixing section and a flange**, wherein the upper side fixing section and the lower side fixing section respectively includes **ribs** on planes, wherein the **ribs protrude from an inner edge surface of the frame body to inside and the flange protrudes from an outer edge surface of the frame body toward outside**.” *Emphasis added.*

It is respectfully submitted that none of Pakeriasamy and Irwin teaches or suggest the above-identified claim feature of independent claims 1 and 2.

In FIGS. 2-4, Pakeriasamy discloses a tray member 10 that includes narrow raised lip portions 26a-26d and a recessed portion 28 surrounded on each side by the lip portions 26a-26d. The plurality of pockets 24 are formed in the recessed portion 28. (See col. 4, lines 10-14.)

Pakeriasamy further discloses that each of the pockets 24 consists of a bottom wall 30, opposed side walls 32a and 32b, and opposed end walls 32c and 32d. The side walls and end walls 32a-32d are joined integrally to the edges of the bottom wall 30 and extend vertically therefrom so as to form a central cavity portion 36. (See col. 4, lines 19-23.)

Pakeriasamy is distinguished from the claimed invention in that the lip portions 26a-26d do not include a lower side fixing section, a upper side fixing section and a flange, wherein the upper side fixing section and the lower side fixing section respectively includes ribs on planes, wherein the ribs protrude from an inner edge surface of the frame body to inside and the flange protrudes from an outer edge surface of the frame body toward outside. Further, as demonstrated above, the side walls and end walls 32a-32d merely extend vertically from the bottom wall 30.

Therefore, for at least these reasons, independent claims 1 and 2 are distinguishable from Pakeriasamy. Claims 3-4, 6, 8, 11, 13, 15, 20, 21, 26, 27, 29, 30, 35, 36, 38, 39, 44 and 45 are distinguishable from Pakeriasamy at least by virtue of their dependence on corresponding independent claim.

Accordingly, Applicant respectfully requests that the rejection of claims 3-4, 6, 8, 11, 13, 15, 20, 21, 26, 27, 29, 30, 35, 36, 38, 39, 44 and 45, based on Pakeriasamy, be withdrawn.

B. Claims 1, 2, 5, 12, 17, 18, 41, 42, 47 and 48 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Irwin (U.S. Patent No. 1,941,941)[hereinafter "Irwin"]. Applicant respectfully traverses this rejection. Claims 1 and 2 have been amended to incorporate the feature of claim 23 and 24, respectively. As acknowledged by the Examiner, Irwin does not teach or suggest a loading bed and/or a frame as recited in cancelled claims 23 and/or 24. Further, claims 1 and 2 have been amended to recite, *inter alia*, "wherein the frame includes a frame body, **a lower side fixing section, a upper side fixing section** and **a flange**, wherein the upper side fixing section and the lower side fixing section respectively includes **ribs** on planes, wherein the **ribs protrude from an inner edge surface of the frame body to inside and the flange protrudes from an outer edge surface of the frame body toward outside.**" Although, Irwin discloses a flange 13, this flange is distinguished from the claimed flange in that the flange 13 projects inwardly rather than protruding from an outer edge surface of a frame body toward outside. Further, an upper side 14 and a lower side 15 of the flange 13 are both inwardly declined.

Therefore, for at least these reasons, independent claims 1 and 2 are distinguishable from Irwin. Claims 5, 12, 17, 18, 41, 42, 47 and 48 are distinguishable from Irwin at least by virtue of their dependence on corresponding independent claim.

Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 5, 12, 17, 18, 41, 42, 47 and 48, based on Irwin, be withdrawn.

35 U.S.C. § 103 REJECTION

Claims 7 and 14 are finally rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Irwin in view of Narazaki (U.S. Patent No. 6,202,883)[hereinafter "Narazaki"]. Claims 9, 32 and 33 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pakeriasamy. Claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly

being unpatentable over Irwin in view of Christy (U.S. Patent No. 3,695,424)[hereinafter "Christy"]. Applicants respectfully traverse.

Dependent claim 32 is allowable for the reasons set forth above with regards to claim 1 at least based on its dependency on claim 1.

Dependent claims 7, 9, 10, 14, and 33 are allowable for the reasons set forth above with regards to claim 2 at least based on their dependency on claim 2.

CONCLUSION


In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 17, 2008

Respectfully submitted,

By  #58,755
Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant